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| EXAMINER |
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| ART UNIT | PAPER NUMBER |
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2141

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/027,561 | Applicant(s) MORITA, TORU | |
| | Examiner Djenane M. Bayard | Art Unit 2141 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>4/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to amendment filed on 9/19/06 in which claims 1-20 are pending.

Response to Arguments

2. Applicant's arguments in respect to claim 1 have been fully considered but they are not persuasive. Applicant argues that the combination of Anttila ('394) in view of Anttila ('224) fails to teach "storing the progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content". However Anttila ('224) clearly teaches wherein the game server stores the status of game (See page 2, paragraph [0017]). The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 5, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370394 to Anttila in view of U.S. Patent Application No. 2003/0114224 to Anttila et al.

a. As per claims 1 and 9, Anttila teaches communication means, including a subscriber telephone network, for establishing communication with a multi-function mobile telephone (See col. 6, lines 65-67, col. 7, lines 1-3 and figure 2, ... *in the mobile communication network conventional mobile station 14 over mobile communication center 100, base station controller 104 and base station 105*); a content providing apparatus for providing content terminal (See col. 6, lines 25-26), and a relay apparatus connected to the multi-function mobile telephone, through the subscriber telephone network (See col. 6, lines 58-67), the relay apparatus being operable to convert an intrinsic identifier of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone, wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code (See col. 4, lines 28-33, *Routing is facilitated by a database arranged in connection with the network server, in which database it is stored the identification number (e.g. a IP-address) defined for the telephone number for each mobile station...* and col. 14, lines 52-55, *a reference table adapted to include the telephone number corresponding to each mobile station and the internet protocol address corresponding to each mobile station and to convert the phone number into the corresponding internet protocol address*). Furthermore, Anttila teaches wherein the transfer of information from the network server to the interconnecting network is performed typically over a packet switched data transfer connection based upon a IP address

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(See col. 8, lines 23-25, *the content server does not have any knowledge of the telephone number and all data transfer are done through the Ip address*). However, Anttila fails to teach wherein the memory of the content providing apparatus is for storing a variety of statuses of the multi-function mobile telephone by the unique ID code and for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus.

Anttila et al teaches a game server that may store or be in communication with game database, which stores players, task, hint and game status information (See page 2, paragraph [0017]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the memory of the content providing apparatus is for storing a variety of statuses of the multi-function mobile telephone by the unique ID code and for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus as taught by Anttila et al in the claimed invention of Anttila in order to allow individuals to view game status information (page 3, paragraph [0030]).

b. As per claim 2, Anttila teaches an information terminal connected to the multi-function mobile telephone and having a display device larger in size than a display device of the multi-function mobile telephone (See col. 9, lines 37-42).

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c. As per claim 3, Anttila teaches wherein the communication means comprises the Internet and the relay apparatus is a gateway arranged to the subscriber telephone network to connect the subscriber telephone network to the Internet (See col. 6, lines 57-58).

d. As per claim 5, Anttila teaches the claimed invention as described above. However, Anttila fails to teach wherein the content providing apparatus is an Internet server which provides one or both a program and/or data for video gaming.

Anttila et al teaches wherein the content providing apparatus is an Internet server which provides one or both a program and/or data for video gaming (See page 2, paragraph [0017]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Anttila et al into Anttila in order to allow individuals to view game status information (page 3, paragraph [0030]).

e. As per claim 7, Anttila teaches wherein the relay apparatus comprises a unit which notifies the content providing apparatus of the ID code of the multi-function mobile telephone (See col. 8, lines 20-32).

f. As per claim 8, Anttila teaches an information terminal connected to the subscriber telephone network using the multi-function mobile telephone, wherein the content providing apparatus includes a unit operable to provide the content to the information terminal; and a unit operable to identify the information terminal to which the content is provided based on the ID code notified of by the relay apparatus (See col. 8, lines 20-32).

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g. As per claim 10, Anttila teaches the claimed invention as described above. Furthermore, Anttila teaches wherein the computer network is the Internet (See col. 8, lines 20-32).

h. As per claim 11, Anttila teaches the claimed invention as described above. Furthermore, Anttila teaches wherein the terminal comprises a mobile telephone connected to the telephone communication network (See col. 6, lines 50-65 and figure 1).

i. As per claim 12, Anttila teaches the claimed invention as described above. Furthermore, Anttila teaches wherein the unit for detecting the telephone number of the terminal detects the telephone number of the terminal when the terminal places the dial-up connection request (See col. 8).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370394 to Anttila in view of U.S. Patent Application No. 2004/0043770 to Amit et al.

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a. As per claims 14 and 16, a relay apparatus for use in a content providing system including communications means, a subscriber telephone network for establishing communication with a multi-function mobile telephone (See col. 6, lines 65-67, col. 7, lines 1-3 and figure 2, ... *in the mobile communication network conventional mobile station 14 over mobile communication center 100, base station controller 104 and base station 105*), and a content providing apparatus for providing content (See col. 6, lines 25-26), the relay apparatus comprising: a unit for connecting to the multi-function mobile telephone through the subscriber telephone network; a unit for converting a telephone number of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone; and a unit for relaying communications between the multi-function mobile telephone and the content providing apparatus based on the Id code(See col. 4, lines 28-33, *Routing is facilitated by a database arranged in connection with the network server, in which database it is stored the identification number (e.g. a IP-address) defined for the telephone number for each mobile station...* and col. 14, lines 52-55, *a reference table adapted to include the telephone number corresponding to each mobile station and the internet protocol address corresponding to each mobile station and to convert the phone number into the corresponding internet protocol address*); However, Anttila fails to teach a unit for storing progress of a game played on the telephone upon suspension of the game and a unit for sending the progress of the game to the telephone upon resuming the game.

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Amit et al teaches a broadcast content over cellular telephones (See page 2, paragraph [028]). Furthermore, Amit et al teaches wherein some application can be stopped by the user or users, saved and resumed at a later date after being restored (See page 13, paragraph [0199]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Amit et al in the claimed invention of Anttila et al in order to allow users to play the games whenever they want. (knowledge available to one with ordinary skill in the art).

b. As per claims 15, 17-20, Anttila teaches communication means, including a subscriber telephone network, for establishing communication with a multi-function mobile telephone (See col. 6, lines 65-67, col. 7, lines 1-3 and figure 2, ... *in the mobile communication network conventional mobile station 14 over mobile communication center 100, base station controller 104 and base station 105*); a content providing apparatus for providing content terminal (See col. 6, lines 25-26), and a relay apparatus connected to the multi-function mobile telephone, through the subscriber telephone network (See col. 6, lines 58-67), the relay apparatus being operable to convert an intrinsic identifier of the multi-function mobile telephone into an ID code unique to the multi-function mobile telephone, wherein communication between the multi-function mobile telephone and the content providing apparatus is performed through the relay apparatus based on the ID code (See col. 4, lines 28-33, *Routing is facilitated by a database arranged in connection with the network server, in which database it is stored the identification number (e.g. a IP-address) defined for the telephone number for each mobile station...* and col. 14, lines 52-55, *a reference table adapted to include the telephone number corresponding to each mobile station*

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and the internet protocol address corresponding to each mobile station and to convert the phone number into the corresponding internet protocol address). Furthermore, Anttila teaches wherein the transfer of information from the network server to the interconnecting network is performed typically over a packet switched data transfer connection based upon a IP address (See col. 8, lines 23-25, *the content server does not have any knowledge of the telephone number and all data transfer are done through the Ip address*). However, Anttila fails to teach a unit for storing progress of a game played on the telephone upon suspension of the game and a unit for sending the progress of the game to the telephone upon resuming the game.

Amit et al teaches a broadcast content over cellular telephones (See page 2, paragraph [028]). Furthermore, Amit et al teaches wherein some application can be stopped by the user or users, saved and resumed at a later date after being restored (See page 13, paragraph [0199]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Amit et al in the claimed invention of Anttila et al in order to allow users to play the games whenever they want. (knowledge available to one with ordinary skill in the art) .

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370,394 to Anttila in view of U.S. Patent Application No. 2003/0114224 to Anttila et al. as applied to claim 1 above, and further in view of U.S. Patent Application 2005/0021863 to Jungck.

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a. As per claim 4, Anttila in view of Anttila et al teaches the claimed invention as described above. However, Anttila in view of Anttila et al failed to teach wherein the relay apparatus is a DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network.

Jungck teaches an apparatus and method for enhancing the infrastructure of a network such as the Internet. Furthermore, Jungck teaches wherein the relay apparatus is a DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network (See pages 4 and 9, paragraph [0039 and 0065]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the relay apparatus is an DNS server owned by an Internet service provider, and is connected to the multi-function mobile telephone through the subscriber telephone network as taught by Jungck in the claimed invention of Anttila in view of Anttila et al in order to handle requests to translate the domain names services by that service provider or forward those requests to other DNS servers coupled with Internet for translation (See page 5, paragraph [0042]).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370,394 to Anttila in view of U.S. Patent Application No. 2003/0114224 to Anttila et al. as applied to claim 1 above, and further in view of U.S. Patent No. 6,148,253 to Taguchi et al.

a. As per claim 6, Anttila in view of Anttila et al teaches the claimed invention was described above. However, Tobita et al in view of Anttila failed to teach wherein the

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information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof.

Taguchi et al teaches wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof (See col. 5, lines 8-16)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the information terminal connected to the multi-function mobile telephone is a video gaming machine which is operated while monitoring an image presented on the display device thereof as taught by Taguchi et al in the claimed invention of Anttila in order to enhance the value of the system (See col. 2, line24).

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,370394 to Anttila in view of U.S. Patent Application No. 2003/0114224 to Anttila et al as applied to claim 9 above, and further in view of U.S. Patent Application 2001/0025275 to Tanaka et al.

a. As per claim 13, Anttila in view of Anttila et al teaches the claimed invention as described above. Anttila in view of Anttila et al failed to teach wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided, based on the unique code notified of by the relay apparatus.

Tanaka et al teaches a system for Internet connections, for calculating connection fees for network connection services, billing system for network connecting s services, and system for

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network connection management. Furthermore, Tanaka et al teaches wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided (See pages 5 and 6, paragraph [0090]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the server further comprises a unit which performs a fee billing process to the terminal to which the content is provided, based on the unique code notified of by the relay apparatus as taught by Tanaka et al in the claimed invention of Anttila in view of Anttila et al in order to calculate the telephone fee for each connection (See page 6, paragraph [0090]).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application No. 2003/0171147 to Sinclair et al teaches an interactive voice, wireless game system using predictive command.

U.S. Patent Application No. 2005/0193209 to Saunders et al teaches a system and method for connecting gaming devices to a network for remote play.

U.S. Patent No. 6,709, 330 to Klein et al teaches a stock simulation engine for an options trading game.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Djenane Bayard

Patent Examiner



RUPAL DHARIA
SUPERVISORY PATENT EXAMINER